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The Fiction of Atticus Finch Meets the Reality of James Prince

David Prince

For nearly all of us, *To Kill a Mockingbird* served as one of the major milestones on our paths to heeding the call to serve the rule of law. For me, Harper Lee's iconic novel shaped my journey from a slightly different perspective. Legal professionals routinely praise the inspirational bravery and integrity of the central character, lawyer Atticus Finch. But two other pieces of the story were more formative for me.

When prompted, most can remember that tension-filled scene in which unarmed Atticus Finch tried to face down a mob intent on lynching his client, Tom Robinson, an African-American accused of raping a white woman in racist America. Atticus doesn't make much progress until his daughter, Scout, and two other children show up. Scout greets members of the mob by name, takes away their anonymity within the mob, and shames them with her innocence. The mob mentality is broken not by force, authority, or persuasion as in the classic Hollywood western but by individual humanity. Everybody lives to witness Atticus's brilliant and spirited defense of Mr. Robinson in court.

I find that far too many people forget the second piece of the story that so impacted me. Despite Atticus's utterly convincing defense, Mr. Robinson was found guilty in a clear miscarriage of justice. Given the time, Tom Robinson was, in all likelihood, executed a short time later. And so I was always left to wonder, what was the point of it all? It seemed to me that the community just made a lynching look like a legitimate legal proceeding.

Part of the reason I had a jaded view of the novel was that it was an all too familiar story when I first read it. The journey taken by Atticus and Tom Robinson struck a little too close to home for me. I had grown up visiting extended family in rural Mississippi and hearing the stories of their lives around dinner tables and on front porches. Slowly over time, I learned that my grandfather had found himself in a situation similar to that of Atticus Finch. But grandfather Prince's experience was a little different.

It was really just a scrap of a story at first. In different houses, I heard different pieces of it from different perspectives, sometimes not even realizing they were talking about the same event. I only heard my grandfather Prince talk about his role once, literally on his death bed. I spent the next twenty years asking questions, reading, and researching in archives. Through a mix of family legend and recorded fact, here is what I've learned.

In a land famous for its heat, that summer had been a record breaker and among the driest on record. Union County, Mississippi was mostly subsistence farms then, many of them sharecroppers. With failure of the crops looming due to the dry heat, people were on edge.

Friday morning Amanda Gaines found her 21-year-old daughter, Bessie, crawling out of the pea patch near their

home. Bessie was bruised and bloodied. Through the swollen pulp that had been her face, she was able to tell her mother that she'd been attacked down by the well. She'd also been raped. She'd been beaten so badly you have to wonder if she'd been left for dead.

They sent for a neighbor that had a car, still relatively rare in these parts. They took Bessie to the nearest town, New Albany. New Albany was also the county seat. They took her straight to Dr. Maes's hospital.

Sheriff Johnny Roberts got the story as best he could from the Gaines family. He assembled a posse and headed to that well. They had tracking hounds that soon found a scent and they were off in pursuit.

That was wooded bottom land, rich in hard woods. Soon enough, the hounds led the posse across the path of a crew of hired men that were felling trees for an itinerant saw mill. There were four men in that crew and suspicion quickly fell on one of them, L.Q. Ivy.

History does not tell us why suspicion fell on L.Q. Maybe he was the youngest. He was just a couple of weeks shy of his 18th birthday. He had been born and raised within a mile or two of that very spot. Maybe he had some attitude or maybe somebody had a grudge against him. Given the time and place, they could have chosen any one of the crew or all of them. They were all African-American, the year was 1925, Bessie was white, and this was an era of frequent mob rule.

In that time, lynchings were all too common in nearly every state in the union. But this had happened in Mississippi, a state in a brutal era that stood head and shoulders above the rest in lynchings with 500 or more documented victims.

But this was also Union County, and Union County seemed to be different from its neighbors. Nearby counties numbered their lynchings by the dozen, but Union County had never had a lynching. Sheriff Roberts and his deputies aimed to keep it that way. At 25 years old, my grandfather was a newly minted deputy for Sheriff Roberts, only a few weeks on the job.

Despite the lack of lynchings in Union County, Sheriff Roberts knew the dangers. Right from the beginning and unlike the sheriff in *To Kill a Mockingbird*, he started a series of strategies to see his prisoner live for a courtroom trial. He took his first precaution as soon as he arrested L.Q. He did not take him to the medieval looking stone jail behind the Union County courthouse. Instead, he secretly took L.Q. out of town to the community of Aberdeen where he could hide him.

This happened in the fall. The farmers had their crops "laid by," which meant they had time on their hands while they waited and sweated for the harvest. News of Bessie's violation and L.Q.'s arrest spread fast on otherwise idle tongues.

Bessie Gaines was said to be clinging to life in the hospital. Dr. Maes's hospital stood just a few blocks from courthouse square. The square had a classic American layout with wide

grass lawns almost all the way around the turn-of-the-century building that housed all government offices and the courtroom for the circuit-riding judge. A crowd gathered that Friday night on the courthouse lawn. They say it reached over 4,000 people even though the town was home to well under 2,000 souls. The crowd was in an ugly mood and already could justly be called a mob.

The community's official leadership were huddled in the courthouse trying to decide how to diffuse the situation. Unlike with Atticus Finch, the local officials hadn't left town and also wanted to avoid a lynching. But, also unlike Atticus's mob, this one wasn't just a handful of people but was thousands.

The officials made much the same decision as Atticus did and tried to reason with the mob. But Sheriff Roberts also had his deputies circulating in the crowd disarming people. The deputies are said to have gathered wheelbarrow loads of weapons.

Judge Pegram came out of the courthouse first to talk to the crowd. He promised the crowd swift justice. The crowd shouted back that they could be swifter.

Mayor Tate tried next. He told the crowd to let the authorities handle it and to go home. They booed him down.

Then came New Albany's favorite son, U.S. Senator Hubert Stephens. Beloved Sen. Stephens told the "good people" to go back to their farms and their families. They shouted back that he should go home himself. They told Sen. Stephens that if they wanted his advice, they'd ask for it.

The talkers had not made much headway but they had bought time for those disarming deputies. This was in an era before amplification, and the talkers were accomplished campaign shouters that could make themselves heard by outdoor crowds of thousands like this. So it took many by surprise when Sheriff Roberts stood before them and appeared to say something. He had the kind of booming command voice that a sheriff should have, but nobody seemed to be able to quite hear him. But he had caught their interest. A silence settled over the crowd as they strained to hear what Sheriff Roberts had to say.

Unlike the flowery language of the politicians who had already spoken, Sheriff Roberts was simple and plainspoken. He did not try to persuade them, he just gave them hard facts. Once he had their attention, the command returned to his voice. He told them, "He ain't here. He's in jail down the river. Nothing for you to do now, so go on home. He ain't here."

The crowd grumbled and stomped but, with their quarry out of reach, they slowly began to break up.

To *Kill a Mockingbird* would have us believe that this was the end of the ugly side of the mob, but real life is not so clean.

Some in the crowd did not give up so easily. Billy Preston¹ and several of his boys paid a late-night visit to Judge Pegram's home. They said the same as the doctor, that Bessie was touch and go and may not live. They argued that justice could only be served for everyone if Bessie were given a chance to say one way or another if L.Q. Ivy had done it. Whether it was the force of the argument or the force of half a dozen mob leaders in his living room at midnight, Judge Pegram issued a writ ordering Sheriff Roberts to produce L.Q. Ivy at the hospital for identification by Monday.

Sheriff Roberts saw the trap being set as clearly as you do. So he moved to his next stratagem. Instead of waiting for Monday when the mob would be waiting, he snuck L.Q. into town on Sunday morning when nearly everyone was at church. L.Q. was brought to Bessie's hospital room with Judge Pegram and her father as the only witnesses.

Through swollen eyelids and lips, Bessie whispered, "I'm not sure but he looks like the man."

They'd been delayed that morning and by the time they were coming out of the hospital, the churches were letting out and a crowd was already gathering. With time running out, Sheriff Roberts and his group all paused again in a hallway for a conference before trying to leave the hospital.

Billy Preston and his boys blocked the Sheriff and his charge on the hospital lawn. The small crowd was swelling with every moment that passed. Somehow, word had already raced ahead that L.Q. had been identified. Preston and one of his boys demanded L.Q. be handed over. Judge Pegram tried to shout him down but without much success.

Sheriff Roberts looked around, they were already surrounded by a couple of hundred people that were closing in quickly. He heaved a heavy sigh and pulled Preston close to him, saying where few could hear him, "Not here, not now. Not with the judge and the girl's father here for the federals to blame. I'm taking him to the jail. If you and enough of your boys were to overpower us, well nobody could say we hadn't done all we could." A big smile spread across Preston's face. He'd always known Sheriff Roberts was a practical man.

Just as Preston stepped aside to let the sheriff pass, Bessie's father started shouting to the crowd. He was standing back behind them on the hospital steps. When he shouted, they all turned back toward him, knowing he was about to justify their plan and urge justice for his daughter. As the crowd turned, Sheriff Roberts and his crew moved quickly and unobserved to their car.

A crowd gathered that Friday night on the courthouse lawn.

Author's Note:

This essay shares a combination of family lore and historical facts. Where family storytelling is at odds with accuracy, I have chosen the version I was told in countless homes growing up. This essay should not be confused with an attempt to set down a dispositive history. For the best recitation of the true facts, see the reporting done by journalist Lareeca Rucker at <https://bit.ly/2wPOFG> and drawn partially from the contemporary account of Memphis reporter J.L. Roulhac.

Footnotes

1. Billy Preston is a fictional name and represents a composite of several people.

Sitting as a people's court, the crowd pronounced sentence and proceeded to the execution.

What Mr. Gaines said surprised the crowd. He told them that Bessie was not sure about the man. He asked them not to take any hasty action. They did not much care for that message.

Meanwhile, Sheriff Roberts, L.Q. Ivy, the Aberdeen Sheriff, and a couple of deputies drove off down the street. Billy Preston glanced over his shoulder at the retreating sound of the car just in

time to see them reach the end of the street and turn the wrong way, they turned away from the jail and toward the river.

Preston shouted, "WE BEEN HAD BOYS, AFTER THEM."

People scrambled to cars and set off in pursuit. But Sheriff Roberts had a head start and he intended to make the most of it. Sheriff Roberts raced across town toward the bridge over the Tallahatchie River. It was the only way to cross that river for 30 miles in either direction. As he reached the bridge, he slowed and dropped off two deputies with orders to delay their pursuers as long as they could.

Sheriff Roberts sped off with L.Q. toward Holly Springs, a majority African-American community to the north and birthplace of legendary anti-lynching crusader Ida B. Wells.

The deputies threw together a makeshift road block at the bridge ahead of the mob. When those good citizens arrived, guns were drawn and threats were made but the two deputies were soon overwhelmed by sheer numbers. They never fired a shot. Depending on my mood, some days I think they never had a chance and sometimes I think that if they had just shot one person it might have ended that mob. But we will never know what might have happened, only what did happen.

The deputies had succeeded in stalling the mob and giving Sheriff Roberts a little more time—but it wasn't enough. Telephones were pretty unusual in that area then, but there was one close to the bridge. Someone saw what was happening and called ahead to the next town, Myrtle. A few minutes later, three cars left Myrtle, drove south a ways, and then set up to block the road.

With the road blocked ahead and the mob closing in from behind, Sheriff Roberts was out of tricks. The outcome looks to have been inevitable at that point.

Once the mob took L.Q., they brought him back to that temporary saw mill where L.Q.'s nightmare had begun. They stripped him, put him in chains, and then tortured him with a blow torch as well as a set of lemon squeezers. By and by, the 17 year old was persuaded to recite a confession before a crowd of several hundred. Sitting as a people's court, the crowd pronounced sentence and proceeded to the execution.

People think of lynching as a hanging, but by the early 20th century, the mobs were much more sadistic. They found a Model T axle and drove it into the ground as a giant stake. They chained L.Q. to that stake, surrounding him with crate

wood doused with kerosene. Three men stepped forward from the crowd and lit the pyre.

I suspect that the people reading this essay have to rely entirely on imagination to hear the screams and experience the smells of a person literally on fire. But my grandfather did not need his imagination for these things. He was there. He had been one of those deputies with Sheriff Roberts. He caught up to the mob when the pyre was in full blaze. He would talk of how that smell and those screams were still with him half a century later.

While he could still speak, L.Q. is said to have cried out, "have mercy, I didn't do it."

My grandfather was barely literate, never held a book other than a Bible. He had failed as a sharecropper. His working life had been standing at the town square waiting for someone who needed a day laborer. The family still says the best job he ever had was working for a regular paycheck from the city cleaning the streets of horse manure in the early 20s, the job that got him hired as a deputy. One can imagine how the job of deputy must have looked to a man like that. Less than two weeks on the job, papaw turned in his badge the day after the lynching and spent the rest of his life at that town square waiting for work as a day laborer.

Most of this story, I have gotten from other sources. Papaw would tell me little more than the scene at the sawmill and how those smells and sounds still haunted him. He was a huge, powerfully built man. He had a strong voice and, normally, was such an optimistic person that he was always on the verge of breaking into laughter. But when he told me about L.Q. Ivy, he was flat and deflated. He would always say "there wasn't anything anybody could do to stop it..." as his voice trailed off.

I have always struggled with what to make of this story and my grandfather's role in it. As much as I loved and admired my grandfather, at times I despised him for what I saw as his cowardice. I knew him to be a man lacking in racial prejudice and a man of boundless physical courage. I questioned why he didn't do something more like shoot a member of that mob. It was always easy for me to forget that the "mob" was made of real people, people that were my grandfather's friends and neighbors just like Harper Lee's mob members. If you reversed perspectives on the humanity of the participants, would Scout or Atticus really have shot Mr. Cunningham? In these moods, I most resented the simplicity of *To Kill a Mockingbird's* version of the mob mentality. At other times, I recognized the likely pointlessness of any additional actions I thought papaw could have taken. If you know the history of the time, the best possible outcome of any action by him would have been replacement of the mob lynching with a state-sanctioned hanging that would have been every bit as much an injustice but would have had the trappings of courtroom legality, just like the result Atticus Finch ultimately delivered in *To Kill a Mockingbird*. Because, at the end of the day, the majority of people did not believe in the rule of law at that time.² They believed in their tribe and promoting their tribe over any other. In a mood

2. The real-life mob members had so little of the fictional shame shown by the characters in *To Kill a Mockingbird* that they proudly posed for a group photograph with their victim. You can see that

photograph in the archives of the Library of Congress at <https://bit.ly/2Cy0wPN> and at <https://bit.ly/2TmMs15>. The only kernel of truth I can find in that fictional shame is that the story

recognizing this reality, I usually resented the people praising Atticus Finch and forgetting who Tom Robbins was or the net result on his fate.

Given the time and his capabilities, maybe it was enough for grandfather Prince to fight the mob as he did and, when he failed, then to make what was a big sacrifice for him and his family when he turned in that badge and refused to “be a part of it.” Plenty of people today and through history have not been willing to do even that much. Maybe, like Atticus Finch and Scout, he did what he thought he could and felt the pain of its inadequacy in the end. About all I truly know firsthand is how that one day in his youth still haunted him at his end.

The lesson I learned from grappling with how to feel about my grandfather’s role in his world was that my time would be better spent deciding what role I will play in my world. The lesson for me from both L.Q. Ivy and Tom Robbins is that if you wait until the lynch mob assembles (whether in the street or in the trappings of a courtroom) and hope for one hero to step forward and save the day, you have waited too long. The rule of law is not gained by one brave person standing against a community; the community itself must be the authority that values the rule of law enough to impose it. That community support for the rule of law is built laboriously through people who, day in and day out, live its principles and persuade others of its worth. More often than not, it can feel like the labor of Sisyphus eternally pushing his rock. But, bit by bit, pebble by pebble, isolated decision by isolated decision, that community support for the rule of law can be coaxed to grow.

Today, the judiciary and community support for the value of the rule of law are under challenge like never before in my life time. In the half dozen discussions of judges I have seen in high-profile national media during the last year, I have heard much praise for the judge’s support of this tribe or that tribe but the voices for fair and impartial administration of justice seem to be little more than a whisper.

Happily, the rule of law is much stronger today than in the lynching era. But some of the instinct that fueled that era

remains, that herd mentality to rush to a judgment and mete out the herd’s vision of punishment immediately. Today, that instinct is more likely to manifest itself as a Twitter barrage, cable news screed of outrage, cyber attack, boycott, shut down of a target, online petition, or firing—all on the bases of overheated rhetoric and rumor, done immediately, without bothering to gather or weigh actual facts. Whether the herd member today condemns the accused or the accuser in the latest media sensation based on an investigation that never occurred and non-existent objective standards of decision making, the long-term victim is the rule of law.

We of today’s bench have taken on the mantle of stewards for one of the greatest inheritances we could hope for, a community that valued the rule of law impartially applied. A big part of our job is to preserve and strengthen that value, a charge all the more important because it is under challenge from all directions today. Sometimes we will pursue this charge in our actions on the bench, sometimes in our words in the community, and sometimes in our private behaviors. And, let’s face it, some days we will step wrongfooted. Never forget that the work you do today will echo down the years no matter how small the individual act may seem to you at the moment—make sure you do your best to design your legacy to strengthen the rule of law. To all of you that labor professionally each and every day to maintain the high standards of the rule of law and promote by your work public appreciation for the rule of law, thank you for me and thank you for the generations to come.



David Prince is a trial judge in Colorado, an editor of Court Review, and a faculty member for the National Judicial College. He is also a contributor to a community storytelling program known as The Story Project. Your comments on this story are welcome at david.prince@judicial.state.co.us

of L.Q. Ivy has always been told in white homes since the day after it happened with L.Q. Ivy being innocent. However, they also have always told the story villainizing Bessie Gaines who was, as an unwed mother, another of the social untouchables of the day. While the storytellers accept that Bessie was the victim of some-

body’s brutal attack that day, they usually accuse one of her rumored many boyfriends and suggest she likely deserved it for her sinfulness.

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Answers to Crossword

from page 43

